

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

In re patent application of:)
) Before the Examiner
Matthew M. Morrison et al.) Eduardo C. Robert
)
Serial No. 09/941,056) Group Art Unit 3732
)
Filed August 28, 2001)
)
MULTI-AXIAL BONE ANCHOR) January 14, 2004
SYSTEM)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 20231 on

January 14, 2004

Date of Deposit

Christopher A. Brown

Name of Registered Representative

Signature

January 14, 2004

Date of Signature

TERMINAL DISCLAIMER

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

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TECHNOLOGY CENTER R3700

Petitioner, SDGI Holdings, Inc., having a place of business at 300 Delaware Avenue, Suite 508, Wilmington, Delaware 19801, is the owner of one hundred percent (100%) interest in the instant application, U.S. Patent Application Serial No. 09/941,056, filed on August 28, 2001 for a MULTI-AXIAL BONE ANCHOR SYSTEM, as evidenced by the following documents: Assignment from Morrison et al. to SDGI Holdings, Inc., recorded at Reel 11964, Frame 0480. Petitioner has reviewed the evidentiary documents and certifies that, to the best of Petitioner's knowledge and belief, title to the application is in the Petitioner.

Petitioner hereby disclaims the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of (1) U.S. Patent No. 6,315,779 filed on March 15, 2000 for a MULTI-AXIAL BONE ANCHOR SYSTEM; (2) U.S. Patent No. 6,280,445 filed on March 15, 2000 for a MULTI-AXIAL BONE ANCHOR SYSTEM;

TERMINAL DISCLAIMER
Serial No. 09/941,056
Inventors: Morrison et al.
Atty. Docket No. 4002-2817
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and copending Application Serial No. 09/978,932 filed on October 16, 2001 for a MULTI-AXIAL BONE ANCHOR SYSTEM. Petitioner agrees that a patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent Nos. 6,315,779 and 6,280,445, and any patent issuing from Application Serial No. 09/978,932, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of any of U.S. Patent Nos. 6,315,779, 6,280,445 or any patent issuing from Application Serial No. 09/978,932 in the event that any of such patents: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term.

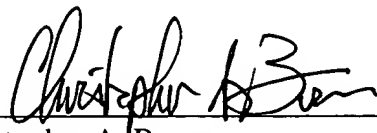
The undersigned, Christopher A. Brown, is an attorney of record and is empowered and authorized to act on behalf of the Petitioner in making this Terminal Disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 14 January 2004

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Christopher A. Brown
Reg. No. 41,642